

Application No.: 09/785,944
Filing Date: February 16, 2001

REMARKS

The above-identified application is undergoing appeal. An Appeal Brief was filed September 23, 2008. Pursuant to 37 C.F.R. § 41.33(b)(1), Applicant hereby cancels Claims 7-33, 35-50, and 57-66 without prejudice or disclaimer. By making the amendments herein, Applicant is not withdrawing the appeal or requesting that prosecution be reopened. Applicant respectfully requests entry of this amendment. See M.P.E.P. 1206(I). Accordingly, after entry of this amendment, Claims 1-6, 55, and 56 will remain pending for appeal.

No Disclaimers, Estoppels, or Disavowals

Although the present communication includes cancellation of claims, Applicant is not conceding in this application that previously pending claims are not patentable. Rather, any cancellations are being made to facilitate expeditious and compact appeal of the final rejections set forth in the Office Action dated June 7, 2007 and the Examiner's Answer dated September 21, 2009. Applicant's cancellation of Claims 7-33, 35-50, and 57-66 does not imply agreement with or acquiescence to the rejections, characterizations of claims or references, or arguments set forth in the Office Action dated June 7, 2007 or the Examiner's Answer dated September 21, 2009. Accordingly, no disclaimer, estoppel, or disavowal should be inferred.

Applicant reserves the right to pursue at a later date the claims canceled herein, any previously pending claims, or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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By: /Steven P. Ruden/
Steven P. Ruden, Ph.D.
Registration No. 53,538
Attorney of Record
Customer No. 20995
(949) 760-0404

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